

REMARKS

Claims 1-10 are pending in this application. Applicants amend claims 1-2, 7, and 10 for clarification. Applicants refer to page 6, lines 20-36 for an exemplary embodiment of and support for the claim amendments. No new matter has been added.

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In particular, the Examiner objected to the phrases "have been obtained" and "resource usage of each of the obtained hardware resources is identical with a resource usage of the hardware resource obtaining request" in claim 1 as being unclear. Applicants amend claim 1 to remove "have been obtained" and to clearly recite "resource usage type of each of the obtained hardware resources is identical with a resource usage type of the hardware resource obtaining request."

The Examiner also objected to the term "unused area of one obtained hardware resource" in claim 7 as being unclear. Applicants amend claim 7 to clearly recite "an unused area of said hardware resource selected by said first selecting-to-use part."

The Examiner apparently did not object to any language in claims 2-6 or claim 10.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the § 112, ¶ 2 rejection.

Claim 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,760,303 to Brouwer. Applicants amend claims 1, 2, 7, and 10 in a good faith effort to further clarify the claimed invention as distinguished from Brouwer. The Examiner's rejection is respectfully traversed.

In response to the remarks in Applicants' previous response, the Examiner argued that distinguishing features of the claimed invention presented by Applicants were not recited in the rejected claims—e.g., usage type in claim 1, and using an unused area of an obtained hardware resource until a time that a predetermined threshold has been exceeded in claim 7. Applicants amend claims 1 and 7 to clarify these features of the claimed invention.

The Examiner further argued that Brouwer describes "switching from a dedicated channel to a common channel (only those users who truly need or require dedicated channels at given points in time are supported by such channels) if the amount of information stored in a transmit buffer of the user connection exceeds a particular threshold" and "switching from a common channel to a dedicated channel." Paragraph 16, page 6 of the Office Action.

Indeed, Brouwer merely describes switching between a common and a dedicated channel based on the amount of information stored in a transmit buffer of a user connection. Please see, e.g., col. 7, lines 49-52 of Brouwer. The reference, as cited and relied upon by the Examiner, does not disclose,

"[a] method for obtaining hardware resources in a system, said method comprising the steps of:

obtaining additional hardware resources from available resources which have not been obtained in the system, for a resource usage type of a hardware resource obtaining request, when each use rate of obtained hardware resources exceeds a predetermined threshold in that a resource usage type of each of the obtained hardware resources is identical with a resource usage type of the hardware resource obtaining request,

wherein the resource usage type indicates a guarantee type to data errors," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over Brouwer for at least the above-stated reasons.

Correspondingly, Brouwer fails to disclose,

“[a]n apparatus for obtaining hardware resources in a system, said apparatus comprising:

a comparing part comparing a predetermined threshold with a use rate for each of a plurality of obtained hardware resources, in which a resource usage type of each of the obtained hardware resources is identical with a resource usage type of a hardware resource obtaining request; and

an obtaining part obtaining additional hardware resources from available resources which have not been obtained in the system to satisfy further hardware resource obtaining requests which indicate the same resource usage type at a time the predetermined threshold is exceeded,” as recited in claim 2. (Emphasis added)

Applicants, therefore, respectfully submit that claim 2, together with claims 3-6 dependent therefrom, is patentable over Brouwer for at least the above-stated reasons.

Brouwer also fails to disclose,

“[a]n apparatus for obtaining hardware resources, said apparatus comprising:

a first selecting-to-use part selecting one obtained hardware resource having a least use rate in obtained hardware resources in a condition in which each resource usage type of the obtained hardware resources is identical with a resource usage type of a hardware resource obtaining request; and

a using part using a part of an unused area of said hardware resource selected by said first selecting-to-use part to satisfy further hardware resource obtaining requests which indicate the same resource usage type until a time that a predetermined threshold has been exceeded,” as recited in claim 7. (Emphasis added)

Accordingly, it is respectfully submitted that claim 7, together with claims 8-9 dependent therefrom, is patentable over Brouwer for at least the above-stated reasons. Claim 10 includes features that correspond to those of claim 7 cited above, and is, therefore patentable over Brouwer for at least the same reasons.

The above statements on the disclosure in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically

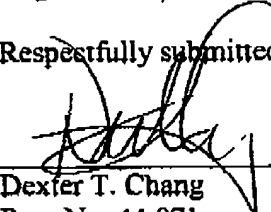
indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

It is respectfully submitted that the present claims are in condition for allowance.

Accordingly, favorable reconsideration of this case and early issuance of a Notice of Allowance are respectfully requested.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00072 (FUJI 18.898)
DTC:par